

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

STEPHEN PULLENS,

Plaintiff,

vs.

AYAJ, Mr.; MR. GEERDES, Mr.;
BOYD, Mr.; HOGAN, Ms.; NELSON,
Ms.; LOCUS, Mr.; FRAKES, Mr.; and
NDCS,

Defendants.

8:21CV478

MEMORANDUM AND ORDER

This matter is before the court on Plaintiff's Motion for Reconsideration. (Filing 20.) Plaintiff again asks the court to reconsider its orders requiring him to pay the \$350.00 filing fee. Plaintiff claims that while it appears he has money in his inmate account to pay the \$350.00 filing fee, the money is already needed for expenses anticipated on his release.

Plaintiff is presently serving a sentence of 80 years to life. *See State v. Pullens*, 800 N.W.2d 202, 214 (2011). According to his state court records, available to this court online, Plaintiff filed a motion for postconviction relief in 2011 that is still pending.¹ There is no indication that Plaintiff will be released in the very near future and, thus, no reason to believe Plaintiff is unable to pay the full amount of the filing fee at this time.

¹ I take judicial notice of Plaintiff's state court records in *State v. Pullens*, No. CR10-9070333, District Court of Douglas County, Nebraska. *See Stutzka v. McCarville*, 420 F.3d 757, 760 n.2 (8th Cir. 2005) (court may take judicial notice of judicial opinions and public records). Nebraska's judicial records may be retrieved on-line through the JUSTICE site, <https://www.nebraska.gov/justice/case.cgi>.

As the court has repeatedly explained, payment of the filing fee is mandatory under the Prison Litigation Reform Act (“PLRA”), and a district court has no discretion to waive the fee payment requirement. *See* 28 U.S.C.A. § 1915(b)(1) (“[T]he prisoner shall be required to pay the full amount of a filing fee.”). Accordingly, for the reasons previously stated by the court (*see* filings 9, 15, & 19),

IT IS ORDERED that: Plaintiff’s Motion for Reconsideration (filing 20) is denied.

Dated this 24th day of March, 2022.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge